

CHANGES IN THE NATURALIZATION REQUIREMENTS FOR SPOUSES OF MEMBERS OF ARMED FORCES UNDER SECTION 319(e)

DRAFT Version May 16, 2008

(Note: Information Sheet relating to children of Members of Armed Forces is forthcoming)

A new law, (H.R. 4986/Public Law 110-181) became effective in January 2008, which amends Section 319 of the Immigration and Nationality Act (8 U.S.C. 1430). A summary of the new criteria is provided below:

The new law allows for *eligible* applicants to now naturalize overseas, with no need for stateside travel for any part of the naturalization process.

Who is qualified to apply under this new section of law?

- The new section of law, 319(e) applies only to lawful permanent resident spouses of members of the Armed Forces, provided the spouse is residing abroad on official U.S. Military orders.
- Depending on your circumstances, you must meet the requirements of either section 316(a) or 319(a) of the Act.
 - A. You have been a lawful legal permanent resident for three years (under Section 319(a)) as the spouse of a U.S. citizen and you are still married to that U.S. citizen spouse,
or,
 - B. You have been a lawful permanent resident of the United States five years (under Section 316(a)).

Generally, to be eligible for naturalization, an applicant must establish continuous residence and physical presence in the United States. However, if you qualify under A or B above, the new law allows the time you have spent abroad on official U.S. military orders to count towards establishing both continuous residency and physical presence.

- If you are applying as the spouse of the U.S. citizen military member, you must have been living in marital union with the U.S. citizen for the three years preceding the date of filing the naturalization application (under 319(a)). Note that involuntary separation from your U.S. citizen spouse due to circumstances beyond your control, such as reasons relating to military deployments, will not prevent you from naturalization.
- You must be authorized to accompany the military member abroad on official orders, and be accompanying or residing abroad with the military member as provided in those orders.

How do I File?

If you reside overseas and wish to apply for overseas naturalization pursuant to the new law, please comply with the following instructions:

Submit a completed and signed Form N-400, Application for Naturalization. In Part 2 of Form N-400 (Information About Your Eligibility), please notate your eligibility (either 316(a) or 319(a)) *and* mark Section D (Other) as “319(e)”.

1. Cover Letter

You are encouraged to enclose a brief cover letter directed to the Nebraska Service Center advising that you are currently residing overseas and qualify for Naturalization under either Section 316(a) or 319(a) and that you are interested in naturalizing overseas. Please print your name and overseas address (both local and APO/FPO) and identify the USCIS Office overseas where you would like your interview to take place (i.e. Frankfurt U.S. Consulate). You should expect this initial processing at the Nebraska Service Center to take between 120 to 180 days, provided necessary background checks have been processed to completion.

2. Completed Form DD-1278

The Form DD-1278 must be completed and signed by the Issuing Official showing that you have “concurrent travel orders” and are authorized to join **and** will or have already joined your military spouse on assignment abroad.

3. Two (2) Completed Fingerprint Cards Form FD-258

If you are applying from overseas, your fingerprints must be taken at a U.S. Military base or at an overseas USCIS Field Office or American Embassy/Consulate abroad. If you are applying from the United States, your fingerprints must be taken at a USCIS Application Support Center.

4. Photocopy of your current marriage certificate

If either you or your spouse has been married previously you will also need to provide proof of the termination of all prior marriages for you and your spouse (death/divorce certificates).

5. Proof of your spouse’s U.S. citizenship (if eligible under 319(a))

Acceptable forms of evidence are a copy of a valid United States passport, a United States birth certificate, certificate of naturalization, certificate of citizenship (A or AA), or Form FS-240 (Registration of Birth Abroad).

6. Two identical passport-style photos

(See attached instruction sheet).

7. Proof that you are a Lawful Permanent Resident of the United States

A photocopy copy of your Permanent Resident Card (both front and back) or I-551 stamp.

8. Evidence of Marital Relationship

This would include, but is not limited to: birth certificates for children born to you and your spouse, joint bank accounts, joint tax returns, etc.)

9. Fees

The appropriate fee must accompany your application and is dependent upon where you are filing from:

Outside the United States:

If you are filing from outside the United States with biometrics (fingerprints) taken at a U.S. Military base, an overseas USCIS Field Office, or Department of State Embassy/Consulate, the fee of \$595.00 must be included with the application and made payable by check or money order to Department of Homeland Security or U.S. Citizenship and Immigration Services. (Note: for payment overseas, please check local payment procedures)

Filing in the United States:

Biometrics will be taken at a USCIS Application Support Center in the United States, therefore you must submit a filing fee of \$595.00, plus a biometrics fee of \$80.00. The total fee to be paid by a single check or money order is \$675.00, made payable to Department of Homeland Security or U.S. Citizenship and Immigration Services.

10. Attach Cover Sheet to the Application

Please place a cover sheet on top of your N-400 application to ensure proper handling. The sheet should read:

319(e)

Deliver to Military N-400 Point of Contact.

11. Mailing Address:

All 319 (e) Naturalization applications should be mailed to:

**Nebraska Service Center
P.O. Box 87426
Lincoln, NE. 68501-7426**

12. Processing Time:

The initial processing of your application after receipt at the Nebraska Service Center will take between 120 – 180 days, provided necessary background checks have been processed to completion. Once you have your receipt number you may check the status of your application online at www.uscis.gov.

Be sure to save all receipts/notices of action and always refer to your “A” number or N-400 receipt number when contacting USCIS after you submit the N-400 to the Nebraska Service Center.